IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

DAVID SETH WORMAN, et al.,)	
Plaintiffs,)	
v.)	Case No.: 1-17-CV-10107-WGY
MAURA HEALEY, et al.,)	
Defendants.)))	

PLAINTIFFS' MOTION TO STRIKE OPINIONS OF DEFENDANTS' EXPERTS CHRISTOPHER COLWELL, ROBERT SPITZER AND JAMES YURGEALITIS

Plaintiffs David Seth Worman, Anthony Linden, Jason William Sawyer, Paul Nelson Chamberlain, Gun Owners' Action League, Inc., On Target Training, Inc., and Overwatch Outpost (collectively, "Plaintiffs"), by and through their undersigned counsel, and pursuant to Federal Rule of Evidence 702 and Federal Rule of Civil Procedure 26 and Local Rules 7.1 and 26.4(b)(1) and 56.1, respectfully move this Honorable Court to strike certain opinions in each of Defendants' designated expert's report and affidavit and preclude Defendants from relying upon these opinions for any purpose in this case.

Each of Defendants' designated expert witnesses proffer opinions in support of Defendants' Motion for Summary Judgment for which they are not qualified to testify. Specifically, for the reasons set forth in the accompanying Memorandum of Law, Christopher Colwell is not qualified to provide testimony regarding ballistics and wound ballistics and choice of firearms in mass shootings, as he does in paragraphs 4–7 in his report and affidavit. Robert Spitzer is not qualified to provide testimony regarding self-defense, criminology, ballistics and wound ballistics, firearm mechanics, firearms history and marketing, and statutory interpretation,

as he does in paragraphs 4–6, 8–32, 36, 44, 51 and 53–59 in his report and paragraphs 3, 5–16, 19, 27, 32–35 and 37–39 in his affidavit. And James Yurgealitis is not qualified to provide testimony regarding self-defense and hunting, firearms history, Massachusetts firearms laws, and statutory and regulatory interpretation, as he does in paragraphs 23–59, 70–71, 76–80 and 82–87 in his report and affidavit. In addition, Robert Spitzer and James Yurgealitis impermissibly offer legal conclusions in paragraphs 8–20 (Spitzer) and 71 (Yurgealitis) of their respective reports.

In support of this Motion, Plaintiffs submit an accompanying Memorandum of Law.

Dated: January 5, 2018

Respectfully submitted,

/s/ James M. Campbell
James M. Campbell (BBO#541882)
Richard P. Campbell (BBO # 071600)
Campbell Edwards & Conroy
One Constitution Center
Boston, MA 02129
(617) 241-3000
jmcambpell@campbell-trial-lawyers.com

/s/ John Parker Sweeney

John Parker Sweeney (admitted *Pro Hac Vice*)
T. Sky Woodward (admitted *Pro Hac Vice*)
James W. Porter, III (admitted *Pro Hac Vice*)
Marc A. Nardone (admitted *Pro Hac Vice*)
Connor M. Blair (admitted *Pro Hac Vice*)
BRADLEY ARANT BOULT CUMMINGS LLP
1615 L Street N.W., Suite 1350
Washington, D.C. 20036
P (202) 719-8216
F (202) 719-8316
jsweeney@bradley.com

Counsel for Plaintiffs David Seth Worman, Anthony Linden, Jason William Sawyer, Paul Nelson Chamberlain, Gun Owners' Action League, Inc., On Target Training, Inc., and Overwatch Outpost

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January, 2018, the foregoing was served on Defendants' counsel via CM/ECF system that will forward copies to Counsel of Record.

/s/ James M. Campbell
James M. Campbell (BBO#541882)
Richard P. Campbell (BBO # 071600)
Campbell Edwards & Conroy
One Constitution Center
Boston, MA 02129
(617) 241-3000
jmcambpell@campbell-trial-lawyers.com

/s/ John Parker Sweeney

John Parker Sweeney (admitted *Pro Hac Vice*)
T. Sky Woodward (admitted *Pro Hac Vice*)
James W. Porter, III (admitted *Pro Hac Vice*)
Marc A. Nardone (admitted *Pro Hac Vice*)
Connor M. Blair (admitted *Pro Hac Vice*)
BRADLEY ARANT BOULT CUMMINGS LLP
1615 L Street N.W., Suite 1350
Washington, D.C. 20036
P (202) 719-8216
F (202) 719-8316
jsweeney@bradley.com

Counsel for Plaintiffs David Seth Worman, Anthony Linden, Jason William Sawyer, Paul Nelson Chamberlain, Gun Owners' Action League, Inc., On Target Training, Inc., and Overwatch Outpost

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I certify that, on January 5th, 2018, I conferred in good faith with Gary Klein, counsel for the Defendants, and Defendants oppose the relief requested in this motion.

/s/ John Parker Sweeney John Parker Sweeney